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TO:	FACSIMILE NO.:	TELEPHONE NO.:
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	(703) 872-9306	

FROM:	Bernard L. Kleinke, Esq.
RE:	Applicant: J. Kevin Alsobrook, et al. Title: METHOD AND APPARATUS FOR PROCESSING VEGETABLES Appl. No.: 10/777,667 Filing Date: February 10, 2004 Examiner: Sarah Louise Kuhns Art Unit: 1761
FILE NO.	8590-101
DATE:	June 6, 2005

DESCRIPTION OF DOCUMENT, COMMENT OR SPECIAL INSTRUCTIONS:

NUMBER OF PAGES SENT: 14 (including cover sheet)

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Atty. Dkt. No. 8590-101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: J. Kevin Alsobrook, et al.

Title: METHOD AND APPARATUS
FOR PROCESSING
VEGETABLES

Appl. No.: 10/777,667

Filing Date: February 10, 2004

Examiner: Sarah Louise Kuhns

Art Unit: 1761

<p>CERTIFICATE OF MAILING BY FACSIMILE</p> <p>Date of Deposit: <u>6/6/05</u></p> <p>I hereby certify that this correspondence is being facsimile transmitted on the date indicated above to the Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 at telephone No. (703) 872-9306.</p> <p>_____ Bernard L. Kleinke (Printed Name)</p> <p><i>Bernard L. Kleinke</i> (Signature)</p>
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INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing are:

- ☒ Form PTO/SB/08A with listed reference
- ☒ Copy of listed reference
- ☒ Copy of PCT International Search Report
- ☒ Information Disclosure Statement Under to 37 C.F.R. § 1.56

JUN 06 2005

Atty. Dkt. No. 8590-101

**AUTHORIZATION TO PAY AND PETITION FOR THE
ACCEPTANCE OF ANY NECESSARY FEES**

The Commissioner is hereby authorized to charge any additional fees which may be required either now or in the future regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to the Deposit Account No. 502635 of DUCKOR SPRADLING METZGER & WYNNE. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to the Deposit Account No. 502635 of DUCKOR SPRADLING METZGER & WYNNE. If any charges or fees must be paid in connection with the foregoing, concurrent or future communication (including, but not limited to, the payment of an extension fee or issue fees), or if any overpayment is to be refunded in connection with the above-identified application, any such charges or fees, or any such overpayment may be respectfully paid out of, or into, the Deposit Account No. 502635 of DUCKOR SPRADLING METZGER & WYNNE. If any such payment also requires a petition or extension request, please construe this authorization to pay as the necessary petition or request, which is required to accompany the payment.

Date: June 3, 2005

DUCKOR SPRADLING METZGER & WYNNE
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401 West A Street, Suite 2400
San Diego, California 92101-7915

Telephone No.: (619) 231-3666
Facsimile No.: (619) 231-6629
Email Address: kleinke@dsmwlaw.com

Respectfully submitted,

By: Bernard L. Kleinke

Bernard L. Kleinke
Attorney for Applicant
Registration No. 22,123

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INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08A is a listed document known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR § 1.56. A copy of the listed document is being submitted to comply with the provisions of 37 CFR § 1.97 and § 1.98.

The submission of the document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present Application or that such document is considered material to patentability as defined in 37 CFR § 1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present Application.

Atty. Dkt. No. 8590-101

TIMING OF THE DISCLOSURE

The listed document is being submitted in compliance with 37 CFR § 1.97(b), before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by the fee set forth in § 1.17(p).

RELEVANCE OF EACH DOCUMENT

The relevance of the document is described in the present specification. The document listed on the attached Form PTO/SB/08A was cited as being relevant during the prosecution of the corresponding PCT International Patent Application. A copy of the PCT International Search Report is attached setting forth the portion of the document considered relevant by the Examiner. The three cited patents and article were previously cited in the subject patent application's Office Action dated October 6, 2004, therefore they are not listed on the attached Form PTO/SB/08A. Applicants respectfully request that the listed document be considered by the Examiner and be made of record in the present Application and that any initial copy of PTO/SB/08A be returned in accordance with MPEP § 609.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 CFR § 1.97(e)(1) that the item of information contained in this information disclosure statement was cited in a communication from a foreign patent office and counterpart foreign application not more than three (3) months prior to filing this statement.

Atty. Dkt. No. 8590-101

PETITION AND FEE

It is hereby respectfully petitioned that the document listed on the attached form PTO/SB08B be considered by the Examiner and formally made of record. A petition fee in the amount of \$180.00 in accordance with 37 CFR § 1.17(p) is attached.

Respectfully submitted,

Date: June 3, 2005By Bernard L. Kleinke

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